

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA

Alexandria Division

UNITED STATES OF AMERICA,	)	
	)	
v.	)	Crim. No. 01-455-A
	)	
ZACARIAS MOUSSAOUI	)	

**STANDBY COUNSEL’S OBJECTION TO REARRAIGNMENT**  
**ON SECOND SUPERSEDING INDICTMENT**

For the reasons stated in Standby Counsel’s Supplemental Memorandum in Support of Motion to Dismiss Notice of Intent to Seek Penalty of Death, and because (1) as a corollary of the reasons stated therein the grand jury had no authority to indict the defendant on the aggravating factors, and (2) there does not exist in the law any authority for a Notice of Special Findings to be included in an indictment, standby counsel note an objection to the defendant’s arraignment on the Second Superseding Indictment. <sup>1</sup>

Respectfully submitted,

Standby Counsel for  
ZACARIAS MOUSSAOUI

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<sup>1</sup> Counsel file this objection because they continue to believe that the defendant is not competent to represent himself and that the defendant’s waiver of his right to counsel was not knowing and voluntary. Indeed, they believe that his conduct since the competency hearing has reinforced their position. They, therefore, submit that his appearance at a critical stage of the proceedings is without the benefit of counsel which is constitutionally required.

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#### CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing Motion and Memorandum to Compel Production of Discovery was served via hand delivery upon AUSA Robert A. Spencer, AUSA David J. Novak, and AUSA Kenneth M. Karas, U.S. Attorney's Office, 2100 Jamieson Avenue, Alexandria, Virginia 22314, and to Zacarias Moussaoui this 18th day of July, 2002.

\_\_\_\_\_/S/  
Gerald T. Zerk